

proceedings, the Stewarts are further **ordered** to file, on or before the **first Wednesday of each month**, a written report reflecting the status of the bankruptcy matter, with the first such report to be due in **December 2011**.

The obvious question is what should become of plaintiffs' claims against defendant Ace Fabrication, Inc., in the interim. Ace Fabrication (which is represented herein by counsel) has not filed any suggestion of bankruptcy. As a general proposition, the automatic stay provisions of § 362(a) do not operate to stay claims against non-debtor defendants. *See, e.g., American Prairie Const. Co. v. Hoich*, 560 F.3d 780, 789 (8th Cir. 2009) ("It is well-established that stays pursuant to § 362(a) are limited to debtors and do not encompass non-bankrupt co-defendants."); *In re TXNB Internal Case*, 483 F.3d 292, 301 (5th Cir. 2007) ("Section 362(a) ... does not apply, however, to actions not directed against the debtor or property of the debtor."). Nonetheless, there is an "unusual circumstances" exception to this rule which would allow a § 362(a) stay to extend to claims against non-debtor co-defendants. *See generally Gulfmark Offshore, Inc. v. Bender Shipbuilding & Repair Co.*, 2009 WL 2413664, *1-2 (S.D. Ala. Aug. 3, 2009) (discussing and collecting authorities concerning "unusual circumstances" exception). The remaining parties are **ordered**, on or before **November 16, 2011**, to file responses setting forth their position as to whether the automatic stay should or should not reach plaintiffs' claims against defendant Ace Fabrication. Although they are free to address any issue related to the scope of the stay, those responses should, at a minimum, address plaintiffs' pending, ripe Motion for Summary Judgment (doc. 22) against all defendants, to which no defendant filed any opposition. The Court is particularly interested in the parties' positions as to the following question: Because the Rule 56 Motion is pending against all defendants, would concerns such as intertwining of issues among the defendants, the risk of inconsistent results, and judicial economy constitute "unusual circumstances" that might warrant extending the stay to Ace Fabrication? The parties' responses should be supported by legal authority as appropriate.

DONE and ORDERED this 2nd day of November, 2011.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE